

1 TONY WEST  
2 Assistant Attorney General

3 JOSEPH P. RUSSONIELLO (CA Bar No. 44332)  
4 United States Attorney  
5 JOANN M. SWANSON (CA Bar No. 88143)  
6 Chief, Civil Division  
7 SARA WINSLOW (DC Bar No. 457643)  
8 JULIE A. ARBUCKLE (CA Bar No. 193425)  
9 Assistant United States Attorneys  
10 450 Golden Gate Avenue, Box 36055  
11 San Francisco, California 94102  
12 Telephone: (415) 436-6925 (Winslow)  
13 (415) 436-7102 (Arbuckle)  
14 Facsimile: (415) 436-6748  
15 sara.winslow@usdoj.gov  
16 julie.arbuckle@usdoj.gov

17 JOYCE R. BRANDA  
18 PATRICIA R. DAVIS  
19 RENÉE S. ORLEANS  
20 Attorneys  
21 Civil Division  
22 United States Department of Justice  
23 P.O. Box 261  
24 Ben Franklin Station  
25 Washington, D.C. 20044  
26 Telephone: (202) 514-4504  
renee.orleans@usdoj.gov

27 Attorneys for the United States of America

28  
18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 UNITED STATES *ex rel.* STROM, ) No. C 05-3004 CRB  
22 Plaintiffs, ) STIPULATION TO STAY DISCOVERY;  
23 v. ) [PROPOSED] ORDER  
24 SCIOS, INC. and )  
25 JOHNSON & JOHNSON, )  
26 Defendants. )

1 Plaintiffs (the United States of America and Relator Joe Strom) and Defendants (Scios,  
2 Inc. and Johnson & Johnson), through their undersigned counsel of record, hereby respectfully  
3 request and stipulate that the Court set a case management conference in February 2010, and stay  
4 the commencement of discovery in this case until after the conference.

5 1. This case is brought under the False Claims Act (“FCA”), 31 U.S.C. §§ 3729-33. It  
6 was originally filed by Relator Strom pursuant to the *qui tam* provisions of the FCA. The United  
7 States intervened on February 11, 2009 and filed its complaint in intervention on June 11, 2009,  
8 superseding the complaint previously filed by Relator.

9 2. The Court held an initial case management conference on August 21, 2009, and  
10 ordered that discovery be stayed until November 20, 2009, the date that Defendants’ motion to  
11 dismiss is to be heard.

12 3. The parties now request that a further case management conference be held on  
13 February 5, 2010, and that discovery be further stayed until that time.

14 4. The need for a further stay involves a matter which is not public, and the undersigned  
15 government attorneys are not authorized to disclose it publicly. Accordingly, the United States is  
16 concurrently seeking leave to submit a declaration in camera and under seal explaining the need  
17 for a further stay. The general substance of the declaration has been shared with Relator and  
18 Defendants, and neither Relator nor Defendants object to the United States’ request to submit the  
19 declaration in camera and under seal.

20 IT IS SO STIPULATED.

21 Respectfully submitted,

22 TONY WEST  
23 Assistant Attorney General

24 JOSEPH P. RUSSONIELLO  
25 United States Attorney

26 //

27 //

28 //

1 Dated: November 6, 2009

2 By: /s/ signature on file  
3 SARA WINSLOW  
JULIE A. ARBUCKLE  
Assistant United States Attorneys

4 Dated: November 6, 2009

5 By: /s/ signature on file  
6 JOYCE R. BRANDA  
PATRICIA R. DAVIS  
RENÉE S. ORLEANS  
7 Civil Division, U.S. Department of Justice  
8 Attorneys for the United States

9 NOLAN & AUERBACH, P.A.  
10 LAW OFFICES OF MATTHEW PAVONE

11 Dated: November 3, 2009

12 By: /s/ signature on file  
13 KENNETH J. NOLAN, Esq.  
MARCELLA AUERBACH, Esq.  
MATTHEW B. PAVONE, Esq.  
14 Attorneys for *Qui Tam* Plaintiff Joe Strom

15 QUINN EMANUEL URQUHART  
16 OLIVER & HEDGES, LLP

17 Dated: November 5, 2009

18 By: /s/ signature on file  
19 JOHN POTTER, Esq.  
20 Attorneys for Defendants Scios, Inc.  
21 and Johnson & Johnson

22 **[PROPOSED] ORDER**

23 Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED that:

24 1. A further case management conference shall be held on February 5, 2010 at 8:30 a.m.  
25 2. Discovery in this case shall be stayed until a further order is issued at the February 5,  
26 2010 case management conference.

27 IT IS SO ORDERED.

28 Dated: \_\_\_\_\_

HON. CHARLES R. BREYER  
United States District Judge